

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THE CANDY JAR, INC., individually and on behalf of all others similarly situated,

Plaintiff,

V.

NESTLE SUISSE S.A.; NESTLE U.S.A., INC.; NESTLE CANADA INC.; MARS, INCORPORATED; MARS NORTH AMERICA; MARS SNACKFOODS U.S.A. LLC; MARS CANADA INC.; CADBURY SCHWEPPE'S PLC; CADBURY ADAMS CANADA, INC.; THE HERSHEY COMPANY; HERSHEY CANADA INC.; and ITWAL, LTD.

Defendants.

Case No. 08-cv-01548-PKC

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE BY PLAINTIFF**

**THE CANDY JAR, INC.**

NOTICE IS HEREBY GIVEN that plaintiff The Candy Jar Inc., pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, dismisses, without prejudice, its action against all defendants. The adverse parties have not filed either an answer to the complaint or a motion for summary judgment and no class has been certified.

Dated: April 22, 2008

Respectfully submitted,

By: /s/ Frederick P. Furth

Frederick P. Furth  
Henry A. Cirillo  
Michael S. Christian  
THE FURTH FIRM LLP  
225 Bush Street, 15th Floor  
San Francisco, CA 94104-4249  
Telephone: (415) 433-2070  
Facsimile: (415) 982-2076

**CERTIFICATE OF SERVICE**

I, Robert L. Newman, declare under penalty of perjury that the following is true and correct:

I am a citizen of the United States; am over the age of 18 years; am employed by THE FURTH FIRM LLP, located at 225 Bush Street, 15th Floor, San Francisco, California 94104, whose members are members of the State Bar of California and at least one of whose members is a member of the Bar of each Federal District Court within California; am not a party to the within action; and that I caused to be served a true and correct copy of the following documents in the manner indicated below:

- Notice of Voluntary Dismissal Without Prejudice by Plaintiff The Candy Jar, Inc.; and
- Certificate of Service

☒ **By Electronic Filing:** I served a true copy on this date of each document listed above via the Court's ECF system on all parties registered for electronic filing in this action.

☒ **By Mail:** I placed a true copy on this date of each document listed above in a sealed envelope to each addressee listed below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that upon motion of a party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in the affidavit.

Nestle Suisse S.A. Avenue Nestle 55 CH-1800 Vevey, Vaud Switzerland	Joseph Ostoyich, Esq. Howrey LLP 1299 Pennsylvania Avenue, N.W. Washington, DC 20004  <b>Counsel for Defendant Nestle U.S.A., Inc.</b>
--	---

Nestle Canada Inc. 25 Sheppard Avenue West North York, Ontario M2N 6S8 Canada	Mars Canada Inc. 37 Holland Drive Bolton, Ontario L7E 5S4 Canada
Cadbury Schweppes PLC 25 Berkeley Square London W1J 6HB United Kingdom	Dennis P. Orr, Esq. Morrison & Foerster LLP 1290 Avenue of the Americas New York, NY 10104  <b>Counsel for Defendant Cadbury Adams Canada, Inc.</b>
Hershey Canada, Inc. 5750 Explorer Drive, Suite 500 Mississauga, Ontario L4W 0B1 Canada	Michael O. Ware, Esq. Mayer Brown LLP 1675 Broadway New York, NY 10019  <b>Counsel for Defendant ITWAL</b>

Executed on April 22, 2008 at San Francisco, California.

Signed           /s/ Robert L. Newman